

MEMORANDUM AND ORDER

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, the subject structure was originally laid out and constructed by Gast Construction Company, Inc., and inadvertently was constructed approximately 20 feet closer to the north property line than is permitted by the Baltimore County Zoning Regulations. The property has been unoccupied since the completion of the home, as a result of the use and occupancy permit being withheld by Baltimore County because of the zoning irregularity.

In reviewing the Petition, it must be kept in mind that "(t)he standard for granting a variance ... is ... whether strict compliance with the regulations would result in 'practical difficulty or unreasonable hardship'; and that it should be granted only if in strict harmony with the spirit and intent of the Zoning regulations; and only

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 26th day of AUGUST, 1988 that a zoning variance to permit a side yard setback of 30 feet in lieu of the required 50 feet, as more particularly described on Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

2. The Petitioner shall provide landscaping and vegetated buffer along the north

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER OF
BALTIMORE COUNTY

JRH:mmm
cc: Peoples Counsel
Mr. William MacIntosh

APPROVED BY: AS DATE 2/17/1

100

NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Board of Commissioners of Baltimore County will hold a public hearing on the proposed rezoning of the property of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland.

Petition for Rezoning
Case number: 80-426
55 Highland Avenue
Baltimore, Maryland 21204
(Lot 6 of Highland Ridge Drive
Stewart Court
Crescent Heights
Pensioners)
Chairman: James J. Long
Hearing Date: Thursday,
August 25, 1988 at 10:00 AM
The above property is zoned C-1 and is 30 feet in lieu of the required 50 feet.

In the event that this Petition is approved, a building permit may be issued within the thirty (30) day appeal period. The Commission will, however, entertain an appeal for a stay of the issuance of said permit during the appeal period. The Commission will also entertain an appeal in writing and received by the office by the date of the hearing. The above or presented at the hearing.

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Townson, Maryland 21204
494-3353

July 18, 1988

NOTICE OF HEARING



The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance
CASE #89-83-A
6/3 Highland Drive, 345' SW Stewart Glen Drive
(Lot 36 Highland Ridge Drive)
with Election District - 2nd Council District
Petitioner(s) Charles R. Serio, Jr., et ux
HEARING SCHEDULED AUGUST 25, 1988 at 2:00 p.m.

Variance to permit a steel yard setback of 30 feet in lieu of the required 50 feet.

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County
cc: Charles R. Serio, Jr., et ux
City of Baltimore, Construction
File

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
County Office Building
Townson, Maryland 21204
494-3354

August 3, 1988



Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Townson, Maryland 21204

Dear Mr. Haines:

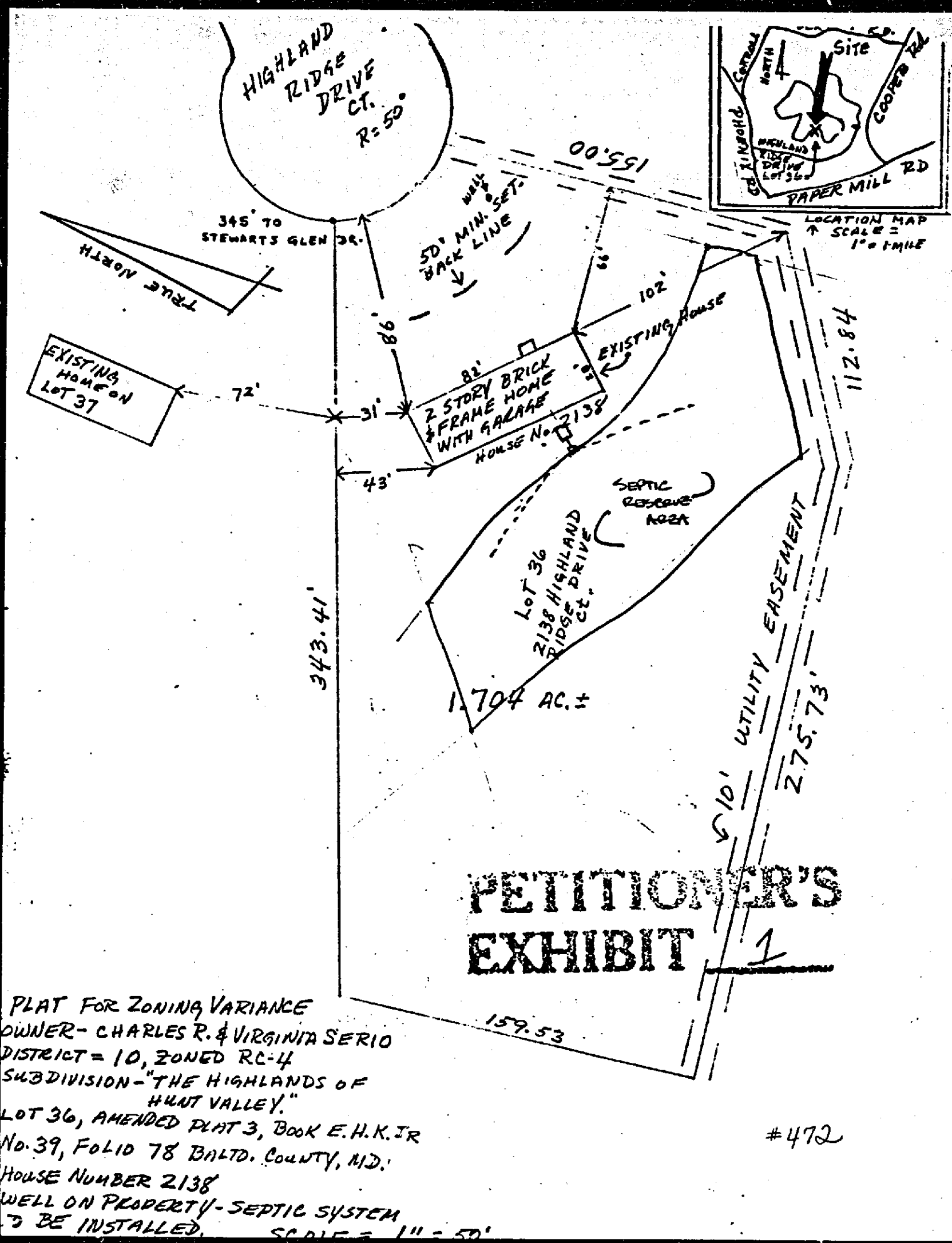
The Bureau of Traffic Engineering has no comments for items number 449, 472, 473, 477, 478, 479, 481, 483, 484, 485 and 486.

Very truly yours,

Stephen E. Weber
Stephen E. Weber, P.E.
Assistant Traffic Engineer

SEW/RF/lab

RECEIVED
AUG 8 1988
ZONING OFFICE



PLAT FOR ZONING VARIANCE
OWNER- CHARLES R. & VIRGINIA SERIO
DISTRICT- 10, ZONED RC-4
SUBDIVISION- "THE HIGHLANDS OF
HAWK VALLEY"
LOT 36, AMENDED PLAT 3, BOOK E.H.K. JR
No. 39, FOLIO 78 BALTO. COUNTY, MD.
HOUSE NUMBER 2138
WELL ON PROPERTY- SEPTIC SYSTEM
TO BE INSTALLED

#472

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

August 17, 1988

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Townson, Maryland 21204

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Mr. & Mrs. Charles R. Serio, Jr.
11 Sugar Tree Place
Cockeysville, Maryland 21030

RE: Item No. 472 - Case No. 89-83-A
Petitioner: Charles R. Serio, Jr., et ux
Petition for Zoning Variance

Dear Mr. & Mrs. Serio:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:dt

RECEIVED ZONING OFFICE
DATE: 7/13/88

July 13, 1988

Mr. & Mrs. Charles R. Serio, Jr.
11 Sugar Tree Pl. Cockeysville, Md.
21030

Balto. Co. Zoning Office
Re: Conditional Occupancy Permit.
Lot #36 Highland Ridge Dr.
Phoenix, Md. 21131

688-0666
Case #89-83-A

We have sold the house that we presently occupy (11 Sugar Tree Place) and must vacate by the end of August 1988.

We are having a house built on Lot #36, Highland Ridge Dr. which is to be completed for our occupancy by August 29, 1988. However, we discovered that our builder has accidentally built the house with the garage encroaching over the 50ft. side yard set back line. He (Gast Construction Co.) has applied for a variance (application # 472 Serio), but the time frame precludes our obtaining it in time.

We have had several conversations with the buyer of our house but he completely refuses to let us stay on and rent back from him and has sent us a letter stating no other terms but to move out by the end of August 1988.

Because of the short period of time, we are finding it very hard to find a place to rent and are facing double move with additional storage cost. Our contract with the builder does not allow us to store anything prior to occupancy and there can be no insurance coverage.

For these reasons we respectfully request a Conditional Occupancy and greatly appreciate your consideration. Thank you.

Sincerely,

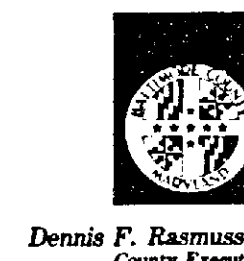
Charles R. Serio, Jr.
Charles R. Serio, Jr.

Virginia M. Serio
Virginia M. Serio

Baltimore County
Fire Department
Townson, Maryland 21204-2536
494-4500

July 15, 1988

Paul H. Reincke
Chief
J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Townson, MD 21204



Re: Property Owner: Charles R. Serio, Jr., et ux

Location: S/S Highland Ridge Dr., 345' SW Stewart Glen Dr.
2138 Highland Ridge Dr.

Item No.: 472 Zoning Agenda: Meeting of 7/12/88

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

() 1. Fire hydrants for the referenced property are required and shall be located at intervals or feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

() 2. A second means of vehicle access is required for the site.

() 3. The vehicle dead end condition shown at

EXCEEDS the maximum allowed by the Fire Department.

() 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

(x) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.

() 6. Site plans are approved, as drawn.

() 7. The Fire Prevention Bureau has no comments at this time.

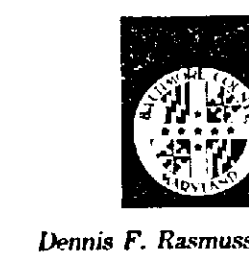
REVIEWER: *John F. O'Neill* Noted and Approved: *John F. O'Neill*
Planning Group File Prevention Bureau
Special Inspection Division

/s/

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Townson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

July 29, 1988



Mr. and Mrs. Charles R. Serio, Jr.
11 Sugar Tree Place
Cockeysville, Maryland 21030

RE: Hearing, August 25, 1988 at 2:00 P.M.
Case #89-83-A
Petition for Zoning Variance

Dear Mr. and Mrs. Serio:

Thank you for your letter of July 13, 1988 regarding the above captioned case. I understand your problem and wish I could legally do more for you.

The new date of the public hearing is August 25, 1988 at 2:00 P.M. This date was moved back from the assigned date in September. The hearing will be held in Room 106 of the County Office Building, 111 West Chesapeake Avenue, Towson, Maryland 21204.

Please be advised that the statutory requirements that are placed upon me, in the hearing process, prevent me from hearing this matter any sooner than the August 25th date. I regret that I am unable to do any more for you in this regard.

Very truly yours,

J. Robert Haines
J. Robert Haines
Zoning Commissioner

JRH:mmm